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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,814	11/02/2001	Scott Thomas Elliott	RPS920010100US1	7408
42640	7590	08/02/2004	EXAMINER	
DILLON & YUDELL LLP 8911 NORTH CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759			VITAL, PIERRE M	
			ART UNIT	PAPER NUMBER
			2188	
DATE MAILED: 08/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,814	ELLIOTT ET AL.	
	Examiner	Art Unit	
	Pierre M. Vital	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,9-14,17,18 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6, 9-12,14,17,20-22,24,25 and 27 is/are rejected.
- 7) Claim(s) 5,13,18,23,26 and 28 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This Office Action is in response to applicant's communication filed June 1, 2004 in response to PTO Office Action mailed April 28, 2004. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.
2. Claims 1-28 have been presented for examination in this application. In response to the last Office Action, no claims have been amended. Claims 7-8, 15-16 and 19 have been canceled. Claims 20-28 have been added. As a result, claims 1-6, 9-14, 17-18 and 20-28 are now pending in this application.

Response to Arguments

3. Applicant's arguments, see Paper No. 6, filed June 1, 2004, with respect to the rejection(s) of claim(s) 1-19 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Stockdale (US6,575,833).
4. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 6, 9-12, 14, 17, 20-22, 24-25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Stockdale (US6,575,833).

As per claim 1, Stockdale disclose an apparatus for exclusively binding data to a data processing system comprising: a data storage device in which said data is stored [*non-volatile memory 318; Fig. 3*]; a battery that provides a binding signal independent of system power supplied to said data processing system [*independent security monitoring hardware is powered by an internal power source such as battery; col. 2, lines 49-52*]; and a binding latch that receives said binding signal, wherein said binding latch is set upon removal of said binding signal [*when the battery fails, power latch bit may be used to indicate the power status; col. 17, lines 51-56*].

As per claim 2, Stockdale discloses said binding latch is a non-volatile storage device [*each bit can be stored in another non-volatile memory location; col. 17, lines 63-64*].

As per claim 3, Stockdale discloses said data storage device is contained within a detachable medium within said data processing system [*processor board 312 (which*

contains non-volatile memory 318) has been detached from motherboard 304; Fig. 3, col. 9, lines 52-61].

As per claim 4, Stockdale discloses said detachable medium is a circuit card or a module detachably mounted onto a system planar [processor board 312; Fig. 3, col. 9, lines 52-61].

As per claim 6, Stockdale discloses a signal line connecting said binding signal from said battery to a sensing input on said detachable medium [*bit 1 may indicate the battery failed to the sensor monitoring circuitry*; col. 17, lines 51-54].

As per claim 9, Stockdale discloses circuit means within said detachable medium for detecting the state of said binding latch [*when the battery fails, power latch bit may be used to indicate the power status*; col. 17, lines 55-56]; and circuit means within said detachable module, which, in response to detecting that said binding latch is set, removes said data from said data storage device [*data is unreliable, register is cleared*; col. 17, line 54 – col. 18, line 14].

As per claim 10, Stockdale discloses a method for exclusively binding data to a data processing system comprising: detachably coupling a data storage device that stores said data within said data processing system [processor board 312 (*which contains non-volatile memory 318) has been detached from motherboard 304; Fig. 3, col. 9, lines 52-61*); providing a battery binding signal that is independent of system power supplied to said data processing system [*independent security monitoring hardware is powered by an internal power source such as battery*; col. 2, lines 49-52]; and in response to removal of said battery

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binding signal, setting a non-volatile binding latch that indicates the removal of said battery binding signal [*when the battery fails, power latch bit may be used to indicate the power status; col. 17, lines 51-56; each bit can be stored in another non-volatile memory location; col. 17, lines 63-64*].

As per claim 11, Stockdale discloses said data storage device is contained within a detachable medium within said data processing system [*processor board 312 (which contains non-volatile memory 318) has been detached from motherboard 304; Fig. 3, col. 9, lines 52-61*].

As per claim 12, Stockdale discloses said detachable medium is a circuit card or a module, said method further comprising detachably mounting said detachable medium onto a system planar [*processor board 312; Fig. 3, col. 9, lines 52-61*].

As per claim 14, Stockdale discloses connecting said binding signal from said battery to a sensing input on said detachable medium [*bit 1 may indicate the battery failed to the sensor monitoring circuitry; col. 17, lines 51-54*].

As per claim 17, Stockdale discloses detecting the state of said binding latch [*when the battery fails, power latch bit may be used to indicate the power status; col. 17, lines 55-56*]; and in response to detecting that said binding latch is set, removing said data from said data storage device [*data is unreliable, register is cleared; col. 17, line 54 – col. 18, line 14*].

As per claim 20, Stockdale discloses an apparatus for exclusively binding data to a data processing system planar comprising: a data storage device contained within a detachable medium that is mounted onto the data processing system planar [*processor*

board 312 (which contains non-volatile memory 318) has been detached from motherboard 304; Fig. 3, col. 9, lines 52-61]; a battery that provides a binding signal independent of system power supplied to operate said data processing system [independent security monitoring hardware is powered by an internal power source such as battery; col. 2, lines 49-52]; a binding latch contained within the detachable medium that receives said binding signal, wherein said binding latch is set upon removal of said binding signal [when the battery fails, power latch bit may be used to indicate the power status; col. 17, lines 51-56]; and a processing unit communicatively coupled to said binding latch, wherein responsive to detecting a binding latch set state, said processing unit removes data from said data storage device [data is unreliable, register is cleared; col. 17, line 54 – col. 18, line 14].

As per claim 21, Stockdale discloses said binding latch is a non-volatile storage device [*each bit can be stored in another non-volatile memory location*; col. 17, lines 63-64].

As per claim 22, Stockdale discloses said detachable medium is a circuit card or a module detachably mounted onto a system planar [*processor board 312; Fig. 3, col. 9, lines 52-61*].

As per claim 24, Stockdale discloses a signal line connecting said binding signal from said battery to a sensing input on said detachable medium [*bit 1 may indicate the battery failed to the sensor monitoring circuitry*; col. 17, lines 51-54].

As per claim 27, Stockdale discloses setting the state of said binding latch [*when the battery fails, power latch bit may be used to indicate the power status*; col. 17, lines 55-56]; and in response to detecting that said binding latch is set, removing said data from said data storage device [*data is unreliable, register is cleared*; col. 17, line 54 – col. 18, line 14].

As per claim 25, Stockdale discloses a method for exclusively binding data to a data processing system planar comprising: mounting a detachable medium onto a data processing system planar, wherein the detachable medium includes a non-volatile data storage device [*processor board 312 (which contains non-volatile memory 318) has been detached from motherboard 304; Fig. 3, col. 9, lines 52-61*]; applying a persistent binding signal from the system planar to a sensing input of the detachable medium, wherein the persistent binding signal is independent of system power supplied to operate the data processing system [*independent security monitoring hardware is powered by an internal power source such as battery; col. 2, lines 49-52*]; and responsive to interruption of said binding signal at the sensing input , switching the set state of a binding latch that is coupled to the sensing input of the detachable medium [*when the battery fails, power latch bit may be used to indicate the power status; col. 17, lines 51-56*].

Allowable Subject Matter

7. Claims 5, 13, 18, 23, 26 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

As per claims 5, 13, 23 and 26, the prior art of record does not teach or suggest "a charge pump within a detachable medium, wherein said charge pump supplies power to set a binding latch in response to removal of a detachable medium from a system planar" in combination with the other elements set forth in the claimed invention.

As per claims 18 and 28, the prior art of record does not teach or suggest "detecting the state of said binding latch is processed by mounting said detachable medium into said data processing system or another data processing system" in combination with the other elements set forth in the claimed invention.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111 (c) to consider these references fully when responding to this action. The documents cited therein teach a charging circuit coupled via signal path to a battery circuit; a battery connected to a binding latch; and a data storage device contained in a detachable medium.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre M. Vital whose telephone number is (703) 306-5839. The examiner can normally be reached on Mon-Fri, 8:30 am - 6:00 pm, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (703) 306-2903. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July, 24, 2004

Pierre M. Vital
Pierre M. Vital
Examiner
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